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CHJUSMAG SEOUL KS
COMUSKOREA SEOUL KS//EJ-IS
CINCPAC HONOLULU HI
C O N F I D E N T I A L SEOUL 12304
E.O. 12065: GDS 09/19/86 (BLAKEMORE, DAVID) OR-P
TAGS: PINS PINT PGOV SHUM KS US
SUBJECT: KIM DAE JUNG CASE: MARTIAL LAW COMMANDER APPROVES SENTENCES; NEXT STEP IS APPEAL
REF: (A) SEOUL 12235, (B) SEOUL 12161, (C) SEOUL 11575

1. (U) MARTIAL LAW COMMANDER GEN. LEE HEE SONG (M-R: YI HUI-SONG) HAS CONFIRMED THE SENTENCES AGAINST ALL DEFENDANTS IN THE KIM DAE JUNG (M-R: KIM TAE-CHUNG, TRIAL, INCLUDING THE DEATH SENTENCE AGAINST KIM. THE CONFIRMATION WAS ANNOUNCED BY DOMESTIC RADIO AROUND NOON SEPTEMBER 19.

2. (U) THIS ACTION OPENS THE WAY FOR THE DEFENDANTS TO APPEAL. THE NEXT LEGAL STEPS ARE: 1) WITHIN FIVE DAYS, THE DEFENDANTS MUST BE FORMALLY SERVED WITH NOTICE OF THE CONFIRMATION OF SENTENCES; 2) WITHIN SEVEN DAYS AFTER BEING SO SERVED, THE DEFENDANTS MUST FILE NOTICE OF INTENT TO APPEAL; 3) WITHIN 14 DAYS AFTER THAT, ALL EVIDENCE

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AND DOCUMENTS MUST BE TRANSFERRED TO THE LOWER-COURT PROSECUTOR; 4) WITHIN ANOTHER SEVEN DAYS, THE DOCUMENTS AND EVIDENCE MUST BE TRANSFERRED TO THE APPELLATE PROSECUTOR; 5) WITHIN EITHER 20 OR 30 DAYS (DEPENDING ON A LEGAL INTERPRETATION), THE APPELLATE PROSECUTOR MUST THEN PRESENT A NEW INDICTMENT. A NEW INDICTMENT IS NEEDED SINCE THE APPELLATE TRIAL IS A COMPLETE RETRIAL OF THE CASE. EACH OF THE TIME-LIMITS LISTED ABOVE BEGINS TO RUN AS SOON AS THE PRECEDING ACTION HAS OCCURRED, SO THAT, FOR EXAMPLE, IF THE DEFENDANTS ARE FORMALLY NOTIFIED OF THE CONFIRMATION OF SENTENCES ON SEPTEMBER 20, THEY WOULD HAVE TILL SEPTEMBER 27 TO COMPLETE THE NEXT STEP (FILING OF NOTICE OF INTENT TO APPEAL).

3. (C) COMMENT: WE CANNOT PREDICT WHEN THE APPEALS TRIAL WILL BEGIN, BUT EXPECT IT WILL BE SOONER RATHER

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DEPARTMENT OF STATE A/CDC/MR
REVIEWED BY H T DATE 8/18/82
RDS ☐ or XDS ☐ EXT. DATE ____ REASON(S) ____
TS AUTH. ____
ENDORSE EXISTING MARKINGS ☐
DECLASSIFIED ☒ RELEASABLE ☒
RELEASE DENIED ☐
PA or FOI EXEMPTIONS ____

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THAN LATER. THIS CASE HAS MOVED ALONG BRISKLY--NOTE E.G. THE COURT'S DECISION (REF C) TO TRUNCATE THE DEFENSE'S PRESENTATION--AND THE EXPEDITIOUS CONFIRMING OF THE VERDICTS, AN ACTION WHICH COULD HAVE TAKEN UP TO FOURTEEN DAYS BUT TOOK ONLY TWO, SUGGESTS THE PACE WILL CONTINUE TO BE A FAST ONE. IN KOREA'S LAST PREVIOUS MAJOR TRIAL OF POLITICAL SIGNIFICANCE, THAT OF PRESIDENTIAL ASSASSIN KIM JAE-KYU (N-R: KIM CHAE-KYU), THE APPEALS TRIAL BEGAN 30 DAYS AFTER THE FILING OF NOTICE OF APPEAL, AND WAS OVER, INCLUDING PASSING OF SENTENCE, WITHIN SIX DAYS. THE REMAINDER OF THE KIM JAE-KYU CASE, INCLUDING THE APPEAL TO THE SUPREME COURT AND THE EXECUTION, TOOK A LITTLE UNDER FOUR MONTHS. GLEYSTEEN

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